

**BEFORE THE ILLINOIS POLLUTION CONTROL BOARD**

IN THE MATTER OF: )  
 )  
REASONABLY AVAILABLE CONTROL ) R10-8(A)  
TECHNOLOGY (RACT) FOR VOLATILE ) (Rulemaking-Air)  
ORGANIC MATERIAL EMISSIONS FROM )  
GROUP II CONSUMER & COMMERCIAL )  
PRODUCTS: PROPOSED AMENDMENTS )  
TO 35 ILL. ADM. CODE 211, 218, and 219 )

**NOTICE**

To: John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

**SEE ATTACHED SERVICE LIST**

PLEASE TAKE NOTICE that I have today filed with the Office of the Pollution Control Board the Motion for Leave to File in Subdocket A, or Alternatively, Motion to Open Subdocket B of the Illinois Environmental Protection Agency, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: July 29, 2010

1021 N. Grand Ave. East  
P.O. Box 19276  
Springfield, IL 62794-9276  
(217) 782-5544

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**Motion for Leave to File in Subdocket A,  
or Alternatively, Motion to Open Subdocket B**

The Proponent, the Illinois Environmental Protection Agency ("Illinois EPA"), by its attorney, and pursuant to 35 Ill. Adm. Code 101.500 and 102.402, moves that the Illinois Pollution Control Board ("Board") allow the Illinois EPA to file a rulemaking in this subdocket R10-8(A) for the limited purpose of proposing the amendment discussed below, or, in the alternative, that the Board open subdocket R10-8(B) for the same purpose. In support of its Motion, the Illinois EPA states as follows:

1. On July 9, 2009, the Illinois EPA filed a proposal with the Board to amend 35 Ill. Adm. Code Parts 211, 218, and 219 to control the emissions of volatile organic materials ("VOM") from Group II Consumer and Commercial Product categories. Section 218/219.187 of the Agency's proposal established control measures for industrial cleaning solvents.
2. On December 7, 2009, the Illinois EPA filed with the Board a Second Motion to Amend Rulemaking Proposal ("Second Motion to Amend") in response to a request for clarification from an industry representative. In the motion, the Illinois EPA requested that Section 218/219.187(b)(1) be amended as follows:

*Section 218/219.187(b)(1):*

- b) Material and Control Requirements. No owner or operator of a source subject to this Section shall perform any cleaning operation subject to this Section unless the owner or operator meets the requirements in subsection (b)(1), (b)(2), or (b)(3):
- 1) The VOM content of the as-used cleaning solutions (minus water and any compounds which are specifically exempted from the definition of VOM) does not exceed the following emissions limitations:

On January 7, 2010, the Board granted the Agency's motion.

3. On June 15, 2010, the Board issued its final order, adopting the rulemaking proposal and opening this subdocket A in response to correspondence received from the Flexible Packaging Association ("FPA") regarding proposed changes to the rule. The Board indicated that the subdocket would be held open for 45 days.<sup>1</sup>

4. The rule became effective on June 25, 2010. (See 34 Ill. Reg. 9069, July 9, 2010).

5. The Illinois EPA recently discovered that the language added to Section 218/219.187(b)(1) in response to the Illinois EPA's Second Motion to Amend is technically incorrect. While excluding water and other non-VOM compounds from a substance when determining its compliance with VOM content limitations is appropriate for many materials, such as coatings, it is inappropriate for cleaning solvents. In fact, due to the types of components that make up cleaning solvents, such an exclusion makes compliance with the VOM content limitations set forth in subsection (b)(1) impossible.<sup>2</sup>

6. The Illinois EPA would like to file a rulemaking proposal with the Board to remove the exclusionary language referenced above.

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<sup>1</sup> The Illinois EPA and the FPA subsequently reached an agreement regarding the FPA's issues with the rule, and the FPA agreed not to seek an additional rulemaking under subdocket A.

<sup>2</sup> For example, the exclusion is appropriate for coatings because coatings consist of three components – VOM, solids, and water/exempt compounds. When determining compliance with VOM limits, water and exempt compounds must be removed from the calculation in order to determine the amount of VOM in the coating versus the amount of solids. Cleaning solutions, on the other hand, consist of only two components – VOM and water/exempt compounds. If water/exempt compounds are removed from the calculation, all that would remain in the calculation is VOM, making it impossible for sources subject to the rule to comply with the applicable VOM content limitations.

7. The Illinois EPA has discussed this issue with the United States Environmental Protection Agency, the industry representative whose request for clarification prompted the addition of the exclusionary language, and other consultants. All agree that an amendment is necessary.

8. As two public hearings have already been held in R10-8 (the rulemaking underlying this subdocket A), and the proposed revision will merely correct an undisputable technical error, filing the rulemaking in a subdocket is the most efficient method of achieving the necessary amendment.

WHEREFORE, for the reasons set forth above, the Illinois EPA moves that the Board allow the Illinois EPA to file the rulemaking in this subdocket A. In the alternative, the Agency requests that the Board open a subdocket B for the limited purpose of addressing the revisions discussed above.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: July 29, 2010

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**CERTIFICATE OF SERVICE**

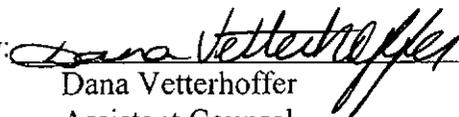
I, the undersigned, an attorney, state that I have served electronically the attached Motion for Leave to File in Subdocket A, or Alternatively, Motion to Open Subdocket B upon the following person:

John Therriault, Assistant Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 West Randolph, Suite 11-500  
Chicago, Illinois 60601-3218

and electronically to the following persons:

**SEE ATTACHED SERVICE LIST.**

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

By:   
Dana Vetterhoffer  
Assistant Counsel  
Division of Legal Counsel

DATED: July 29, 2010

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